

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT A. FOSTER-BEY,

Plaintiff,

v.

Mr. SHOUSE,

Defendant.

Case No: 16-13046

HON. AVERN COHN

ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF MICHIGAN

I.

This is a prisoner civil rights case under 43 U.S.C. § 1983. Plaintiff, proceeding pro se, is a state prisoner confined at the Ionia Maximum Correctional Facility in Ionia, Michigan. Plaintiff claims that his constitutional rights were violated by the defendant. For the reasons that follow, the case will be transferred to the United States District Court for the Western District of Michigan, the appropriate venue.

II.

Venue is in the judicial district where either all defendants reside or where the claim arose. Al-Muhaymin v. Jones, 895 F. 2d 1147, 1148 (6th Cir. 1990); 28 U.S.C. § 1391(b). For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where the action might have been brought. See United States v. P.J. Dick, Inc., 79 F. Supp. 2d 803, 805-06 (E.D. Mich. 2000); 28 U.S.C. § 1404(a). Venue of a lawsuit may be transferred sua sponte for the convenience of parties or witnesses. See Schultz v. Ary, 175 F. Supp. 2d 959, 964 (W.D. Mich. 2001).

The factors that guide a district court's discretion in deciding whether to transfer a

case include: (1) the convenience of the witnesses; (2) the location of relevant documents and the relative ease of access to sources of proof; (3) the convenience of the parties; (4) the locus of the operative facts; (5) the availability of process to compel the attendance of unwilling witnesses; (6) the relative means of the parties; (7) the forum's familiarity with governing law; (8) the weight accorded the plaintiff's choice of forum; and (9) trial efficiency and interests of justice, based upon the totality of the circumstances. Overland, Inc. v. Taylor, 79 F. Supp. 2d 809, 811 (E.D. Mich. 2000).

Here, all of the actions complained of took place at the Ionia Maximum Correctional Facility in Ionia, Michigan, which is located in the Western District of Michigan. Moreover, the defendant named in the complaint resides in the Western District of Michigan. Plaintiff is also currently incarcerated at the Ionia Maximum Correctional Facility. Thus, both for the convenience of the parties and witnesses, as well as in the interests of justice, the case should proceed in the Western District of Michigan.

III.

Accordingly, the Clerk of the Court shall TRANSFER this case to the Western District of Michigan under to 28 U.S.C. § 1404(a).

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT COURT

Dated: August 31, 2016
Detroit, Michigan